

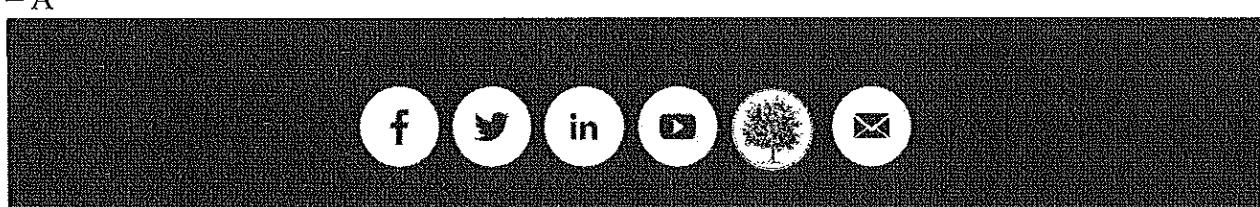
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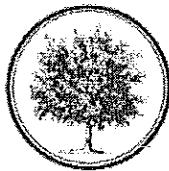
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From: The Buckeye Institute
Sent: Friday, February 23, 2018 3:39 PM
To: Snider, Grace
Subject: ICYMI: Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss *Janus v. AFSCME*

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THE BUCKEYE INSTITUTE

Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss *Janus v. AFSCME*

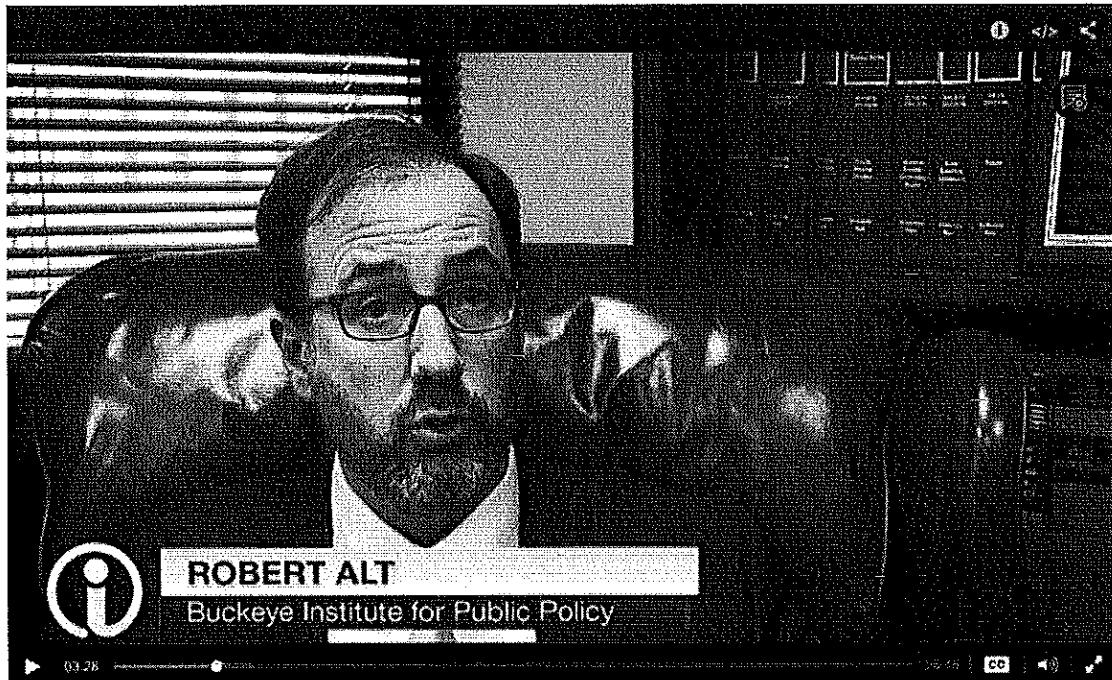
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The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CGI1XH> (Segment runs from :56-6:27).



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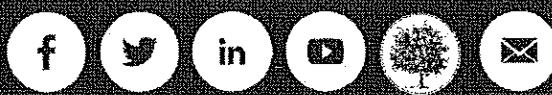
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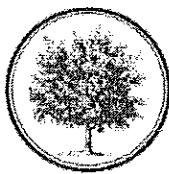
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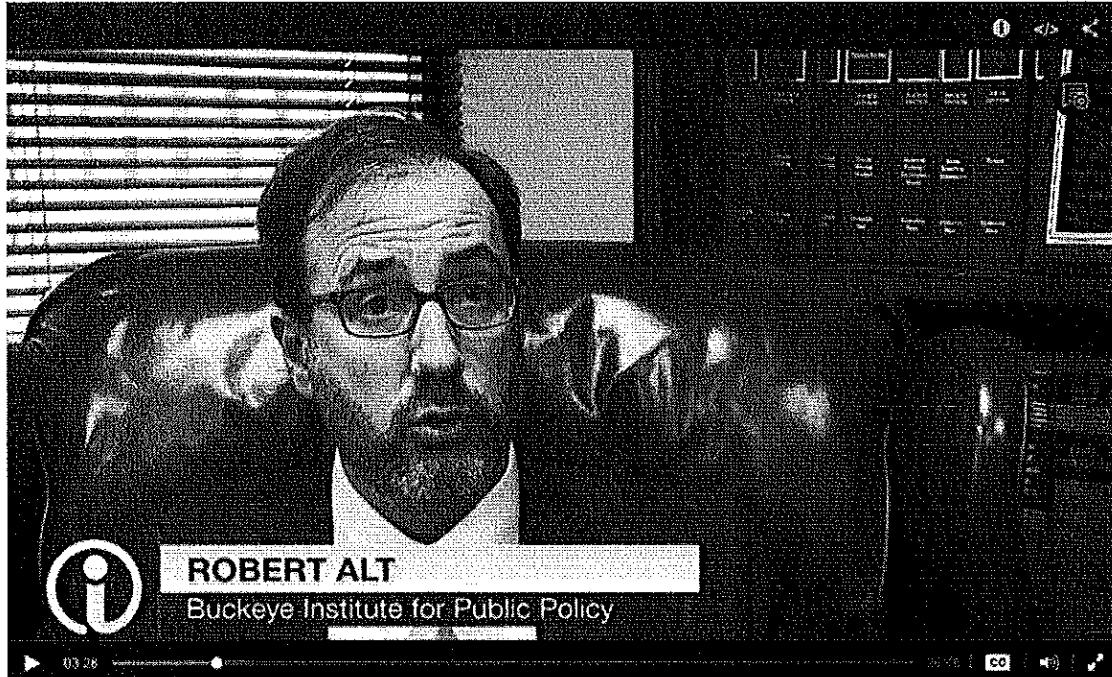
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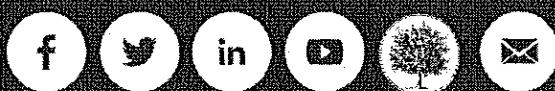
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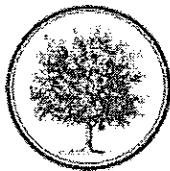
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FOR IMMEDIATE RELEASE
February 24, 2018

The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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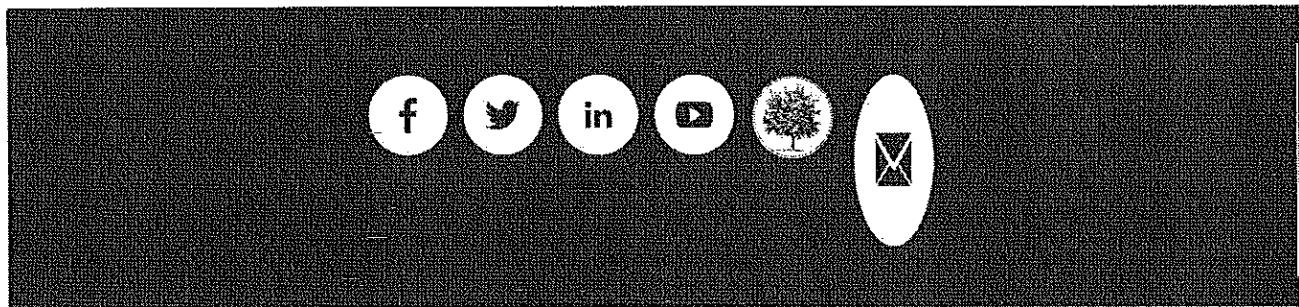
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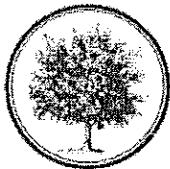
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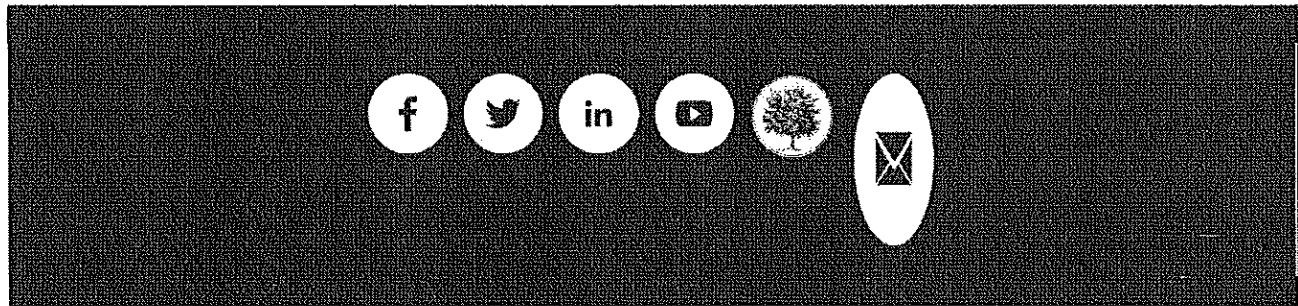
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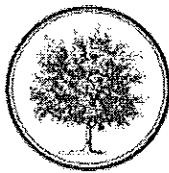
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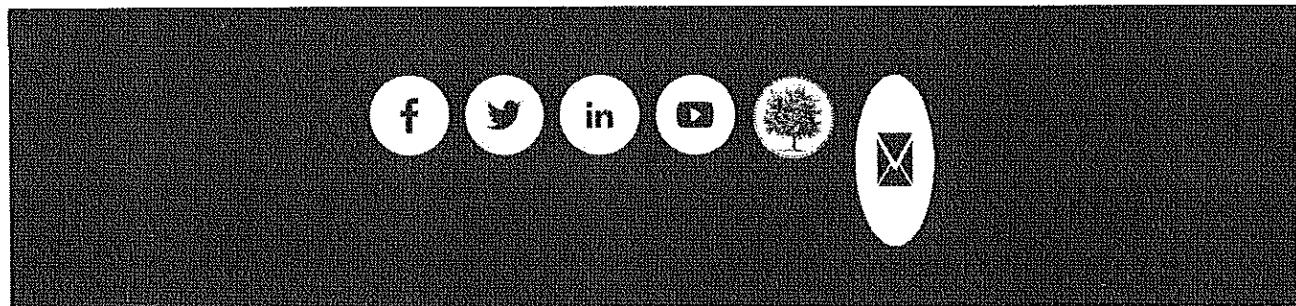
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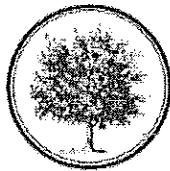
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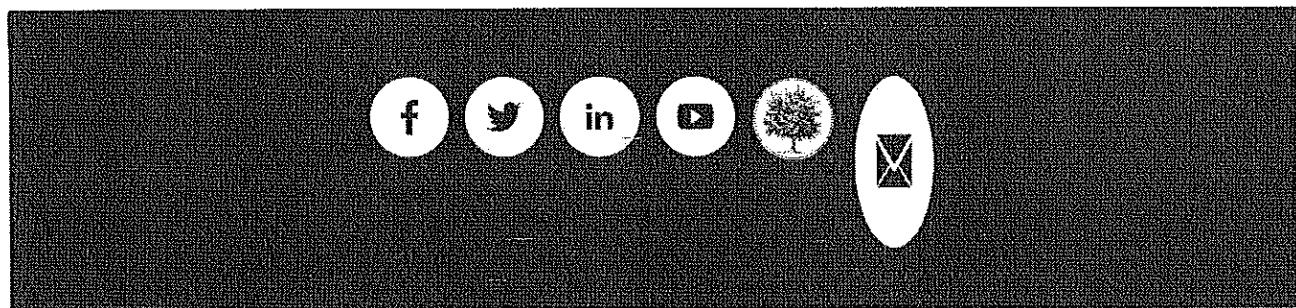
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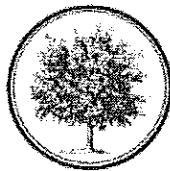
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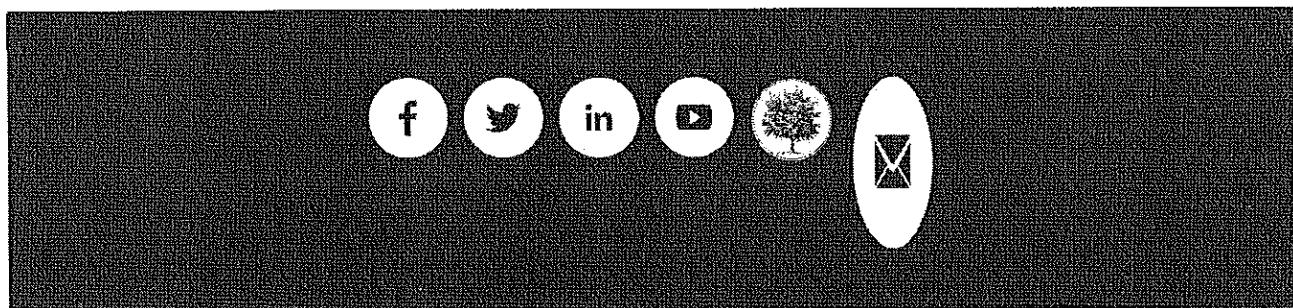
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HOUSE E-CLIPS

2/26/2018



FUTURE UNCERTAIN AS OHIO HIGHER EDUCATION BOARD SITS IDLE

The future of Ohio's once-powerful higher education advisory board remains uncertain as lawmakers move to change the way the state oversees education.

OHIO MOVES TO ADD WRIGHT FLYER TO STATE SEAL AMID DISPUTE

Ohio is staking another public claim to the Wright brothers' legacy amid a dispute with Connecticut over an aviator that state says flew first.

GOP GOVERNOR TAPS ADVISERS FOR GUN POLICY TALKS

Ohio Gov. John Kasich says he has convened a diverse group of advisers on gun policy to help him come up with a consensus policy proposal that he can bring forward in the coming days.



MEDICAL MARIJUANA MAY ARRIVE LATE IN OHIO

From litigation to audits to legislation, the attempted fixes are piling up for an Ohio medical marijuana program that has been beset by problems.

DEMOCRATIC CANDIDATES FOR OHIO GOVERNOR HOPE TO WIN BACK TRUMP VOTERS

Getting Ohio Democrats who voted for President Donald Trump back into the fold was a theme Sunday as Democratic candidates for governor appeared before the public in Marysville.

KASICH FAVORS ARMING TEACHERS, AGAINST 'STAND YOUR GROUND'

Ohio Gov. John Kasich said he is hoping that a group he's quietly convened to find solutions to gun violence in the state will be able to deliver something by the end of next week to the General Assembly.

FRUSTRATED ACTIVIST BASHES KASICH, EYES RECREATIONAL WEED

An architect of Ohio's medical marijuana law Friday accused Gov. John Kasich of intentionally torpedoing the state's program, which is supposed to start in September.

UNION MONEY NOW FUELS GOP LEGISLATIVE CAMPAIGNS IN OHIO

Ohio has increasingly become an island among states that have passed a right-to-work law — an initiative strongly opposed by labor unions.

NEARLY NEW LINEUP AT DEMOCRATS' NEXT OHIO GOVERNOR DEBATE IN TOLEDO

When four Democratic candidates for Ohio governor gathered for a debate in Columbus in October, they spent their time discussing Ohio's opioid crisis, the scandal surrounding online charter school ECOT, and the financial cost to local communities of state tax breaks for businesses.

KASICH ASSAIS DEMOCRATS FOR LACKING AGENDA

Launching a spirited attack against the Democratic Party, Ohio Gov. John Kasich charged he has "no clue" what Democrats stand for and complained they have "no agenda."

CAPITOL INSIDER: KASICH CHANGES HIS TUNE ON 'ASSAULT WEAPONS' VOTE

Ohio Gov. John Kasich's evolution on gun issues apparently continues.

EDITORIAL: DOING NOTHING IS NO LONGER ACCEPTABLE

Gun-rights advocates in the Ohio House of Representatives had every reason to expect House Bill 228 to pass easily, further dismantling the state's already-flimsy regulation of deadly weapons.

Dayton Daily News

www.daytondailynews.com

ANTHEM BLUE CROSS BLUE SHIELD ER POLICY CRITICIZED BY OHIO

LAWMAKERS

Several Democratic state lawmakers want to penalize Anthem Blue Cross Blue Shield for a new policy that does not cover some emergency room visits deemed by the insurer not to be emergencies.

THE PLAIN DEALER

KASICH, OTHER GOVERNORS RESTATE NATIONAL NEED TO DEAL WITH HEALTH CARE COSTS AND QUALITY

Ohio Gov. John Kasich and his counterparts from Colorado and Alaska came to the nation's capital Friday to remind policy makers, businesses and the public: There's still much work to do on health care.

'YOU KNOW, WHEN YOU GET PUNCHED, AT LEAST IT ONLY HURTS FOR A MINUTE' OHIO MATTERS: EPISODE 6 - JOE SCHIAVONI

State Sen. Joe Schiavoni acknowledges the Democratic gubernatorial primary has been a tough fight so far.

REPUBLICAN OHIO GOVERNOR CANDIDATES SUPPORT ARMING TEACHERS TO HELP PREVENT SCHOOL SHOOTINGS

Both Republican candidates for Ohio governor say they support arming teachers as part of an approach to prevent further school shootings.

STATE EMPLOYEES WITH CLAIMS PROCESSED BY ANTHEM NOT AFFECTED BY NEW ER RULE

State employees are not affected by a new Anthem Blue Cross Blue Shield rule that leaves some policyholders with emergency-room bills when the company determines they didn't need emergency care.

OHIO RECREATIONAL MARIJUANA BALLOT MEASURE MIGHT NOT HAPPEN IN 2018, BACKER SAYS

Ohioans hoping to vote to legalize recreational marijuana this year will likely have to wait a little longer, perhaps as long as two years.

FACT CHECK: OHIO DEMOCRATS TAKE FRANK LAROSE'S REMARKS OUT OF CONTEXT

The Ohio Democratic Party on Friday circulated a 13-second audio recording of Republican Frank LaRose, a candidate for secretary of state, claiming that he was bragging about a Republican plan to gerrymander states across the country, including Ohio in 2011.

MARY TAYLOR'S CHIEF OF STAFF HAS NEW JOB WITH OHIO'S MEDICAL MARIJUANA PROGRAM

A longtime Kasich administration staffer has a new job advising Ohio's nascent medical marijuana program, but few details were available Friday about what he will do in the new role.

ROLL OF SHAME OF OHIO LAWMAKERS WHO OVERRODE GOP Gov. TAFT'S 2006 VETO, ENDING CITIES' BANS ON MASSACRE-CAPABLE WEAPONS: THOMAS SUDDES

Some Ohioans sincerely believe the Second Amendment trumps any attempt to regulate massacre-capable guns.

FIRST ENERGY CAN'T BE ALLOWED TO POCKET CORPORATE-TAX-CUT WINDFALL AND SHORT CUSTOMERS: EDITORIAL

The last time U.S. corporate tax rates were slashed, during the Reagan administration, some state utility regulators were slow off the mark in making sure investor-owned utilities didn't just pocket the profits without adjusting consumer bills, The New York Times reports.

THE ENQUIRER

THE NRA HAS A LOVE-HATE RELATIONSHIP WITH THESE OHIO REPUBLICANS – AND DEMOCRATS.

The National Rifle Association has long supported Republicans around the country, and vice versa.

THE BLADE

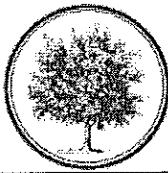
LITIGATION PROCEEDS OVER MEDICAL MARIJUANA LICENSING

A lawsuit that could endanger the timeline for Ohio's rollout of its fledgling medical marijuana program will forge ahead despite proposed legislation to give the state a chance to correct licensing flaws.

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THE BUCKEYE INSTITUTE

In a piece for **National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Deja vu All Over Again

National Review
By Robert Alt
February 26, 2018

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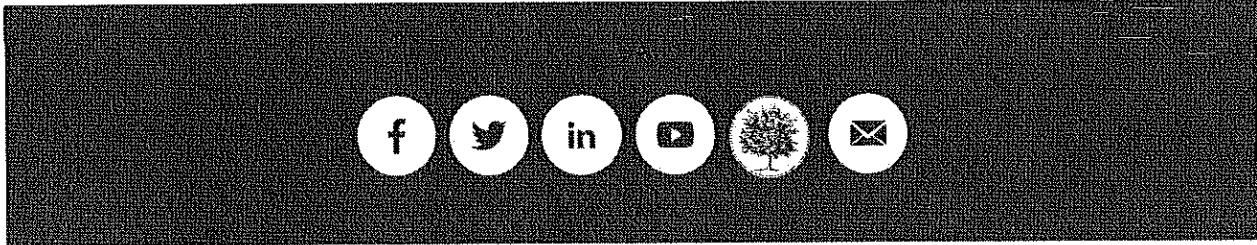
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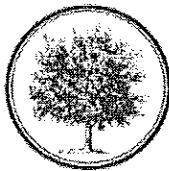
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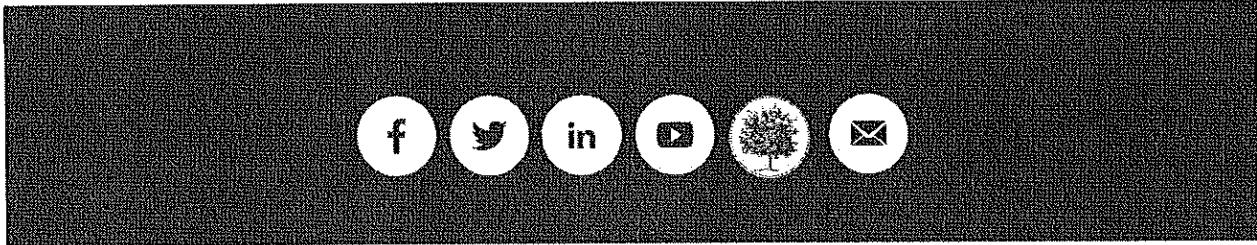
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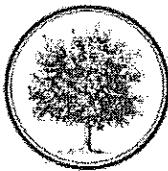
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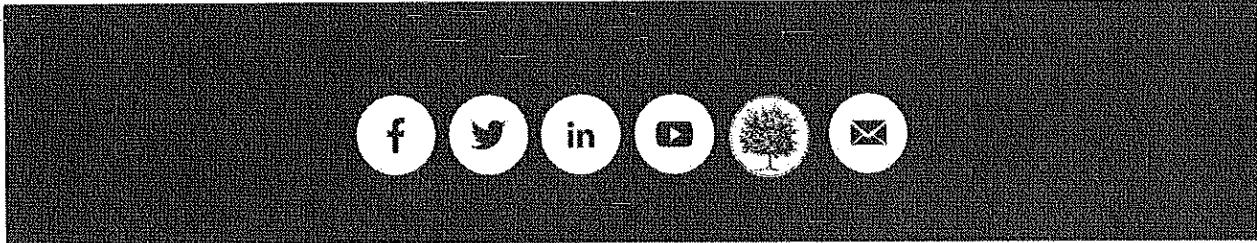
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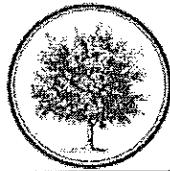
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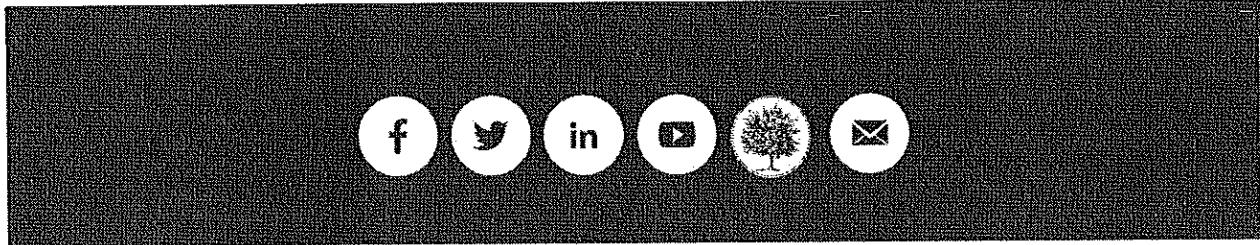
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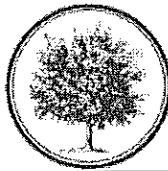
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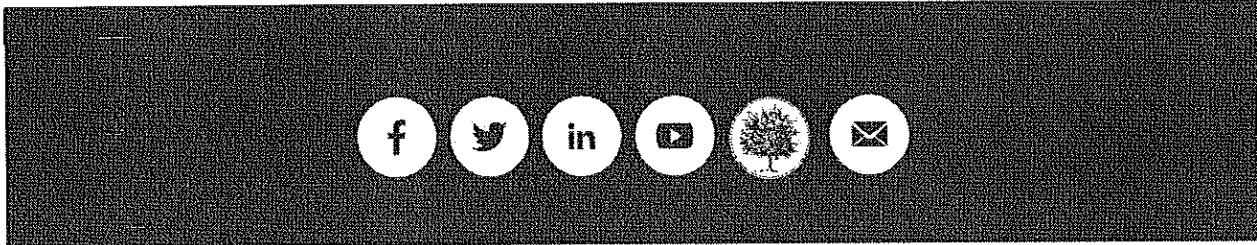
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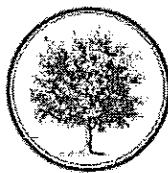
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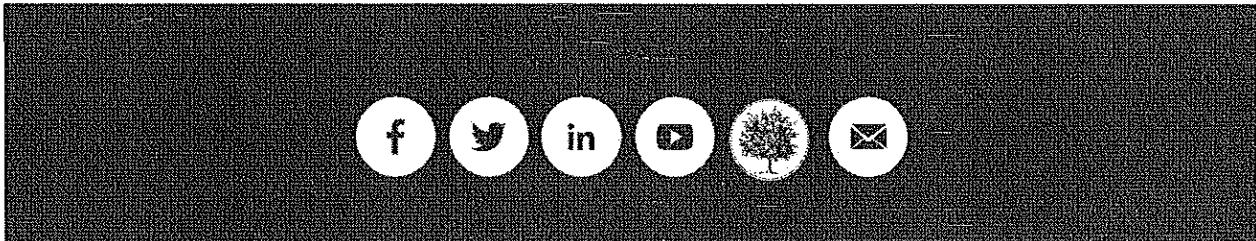
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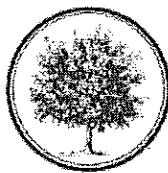
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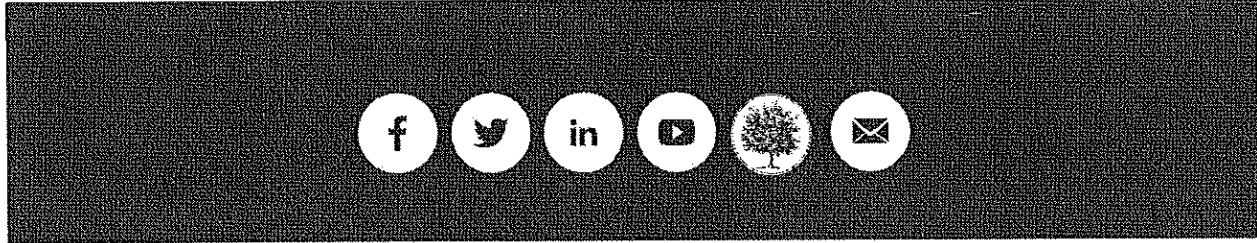
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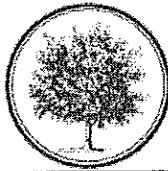
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In a piece for **National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Deja vu All Over Again

National Review
By Robert Alt
February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of

millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

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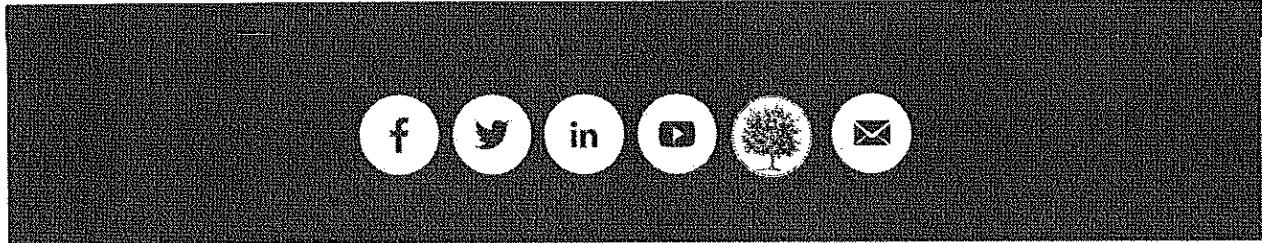
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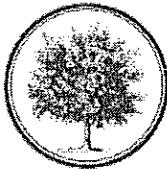
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"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy

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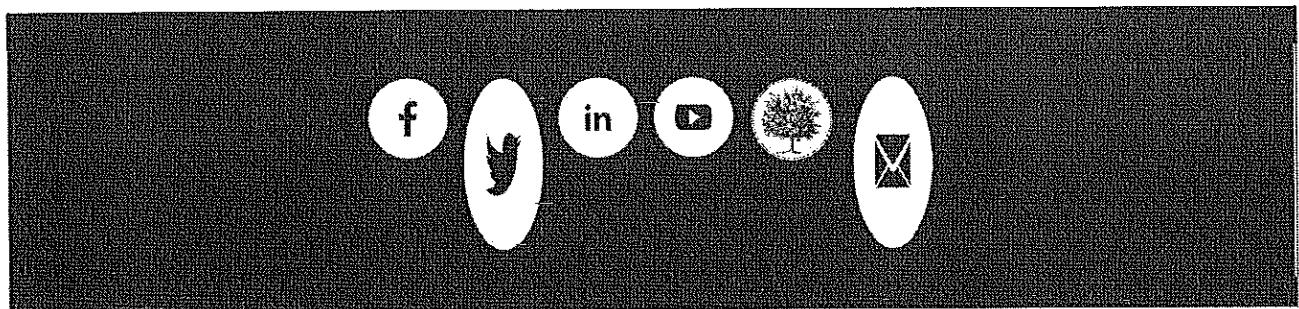
"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute filed briefs with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

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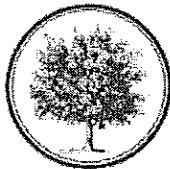
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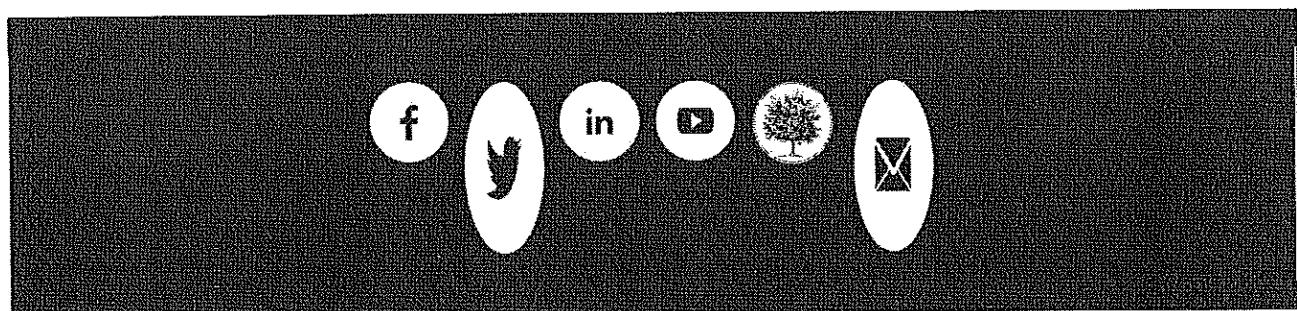
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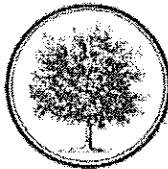
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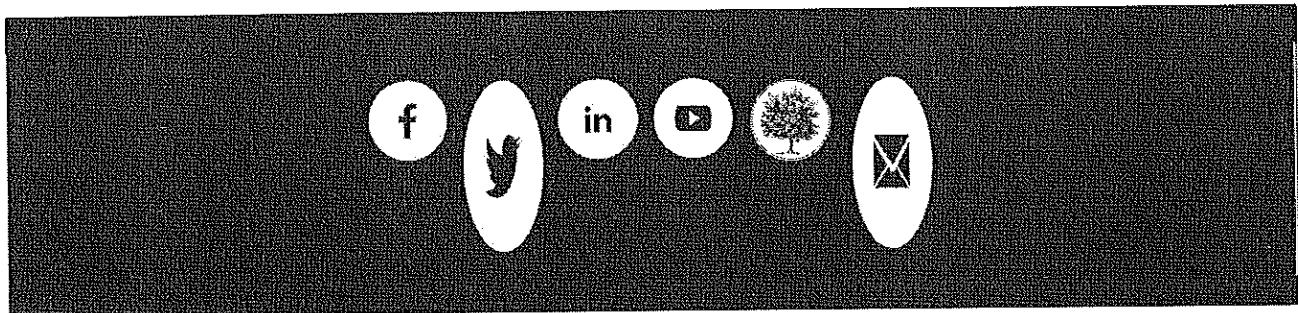
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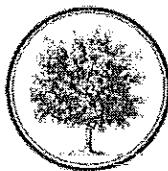
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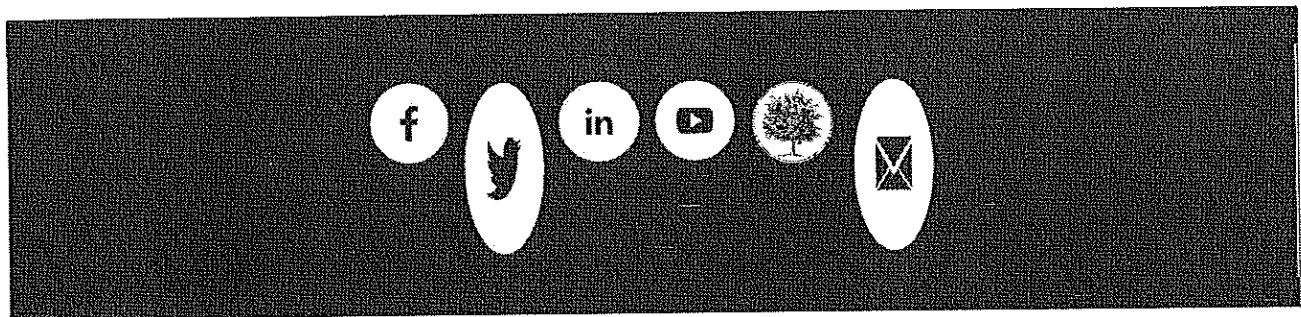
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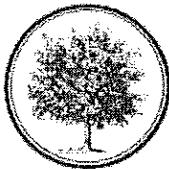
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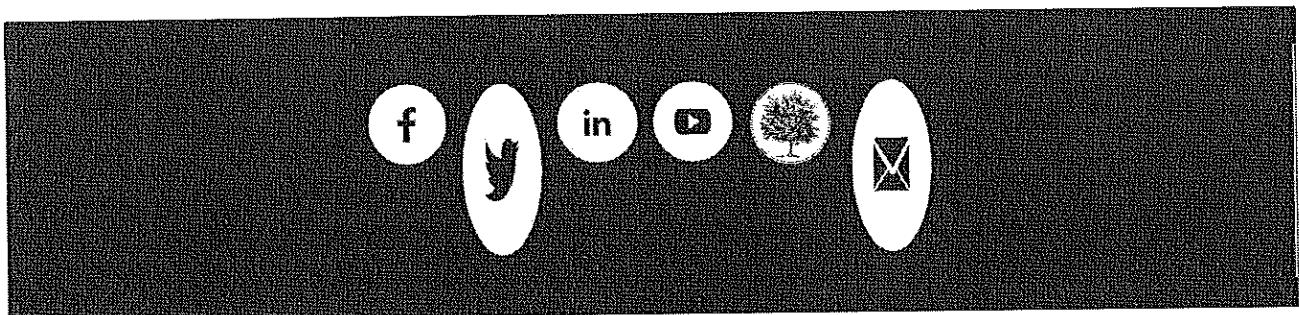
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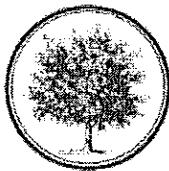
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February 26, 2018

The Buckeye Institute Reacts to 2018 Capital Budget, Urges Spending to Focus on Physical and Democratic Infrastructure Needs

Columbus, OH -- The Buckeye Institute issued the following statement on the introduction on the 2018 capital budget, **Senate Bill 266** and **House Bill 529**.

"With the capital budget officially introduced, Ohioans will now be able to see how many millions of dollars are being appropriately spent on critical infrastructure and core government services versus being set aside for pet local projects and pork spending," said Greg R. Lawson, research fellow at The Buckeye Institute. "And rest assured, Buckeye will be reviewing the budget to see how closely it aligns to the principles we laid out in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*."

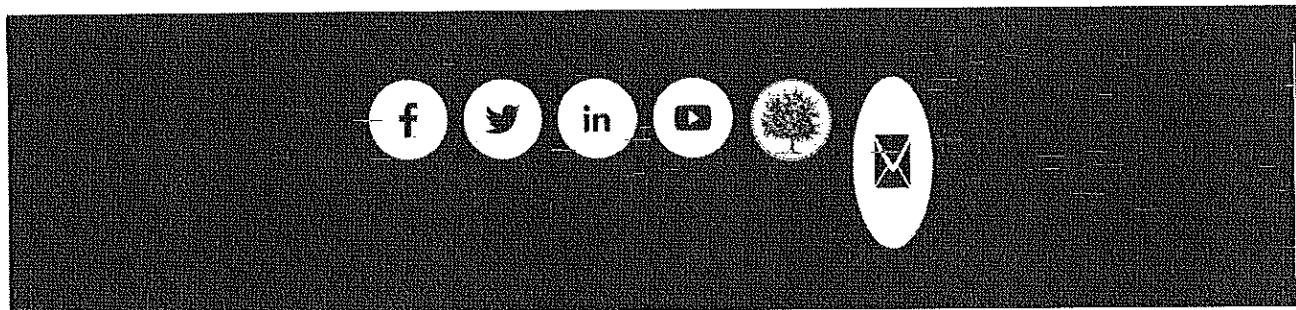
"Regardless of where the capital budget begins, policymakers still have an opportunity to adhere to these principles - constrain the growth of state government, eliminate corporate

and special interest welfare, and focus spending on the core functions of state government," Lawson continued. "Ohioans' taxpayer dollars should be used to strengthen the state's physical and democratic infrastructure, not on special interest pork projects that should be funded through private means."

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\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Nearly \$29M In State IT Funding Clears Controlling Board

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

Kasich Declares Emergency As Flood Risks Continue

Cyberattack Temporarily Shuts Down State Websites, Phones

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

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Daily Activity Planner for Tuesday, February 27

Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstate Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 10 a.m.
House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

SB 22 **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

HB 507 **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

HB 488 **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.

- Confirmation hearing on governor's appointments of Mark Wasylyshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission

SB 66 **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

SB 231 **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

SB 171 **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)

SB 195 **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)

SB 244 **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 11 a.m.

HB 529 **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (1st Hearing-Sponsor-Pending referral)

HB 508 **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)

HB 378 **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)

House Economic Development, Commerce & Labor (Committee Record) (Chr. Young, R., 644-6074), Rm. 113, 1:30 p.m.

HB 504 **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)

HB 263 **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)

HB 211 **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)

HB 433 **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)

House Criminal Justice (Committee Record) (Chr. Manning, N., 644-5076), Rm. 114, 1:30 p.m.

HB 457 **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

HB 391 **ECONOMIC LOSSES** (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

House State & Local Government (Committee Record) (**Chr. Anielski, M., 644-6041**), Rm. 017, 2 p.m.

HB 454 **CEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

HR 299 **DRUG USE** (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

HB 483 **WEEK DESIGNATION** (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

HB 484 **HEALTH DISTRICTS** (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

HB 492 **STATE PROCUREMENT** (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

HB 493 **MINORITY ENTERPRISES** (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

HB 500 **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (**Chr. Blessing, L., 466-9091**), Rm. 313, 2 p.m.

- Note time & room change.

HB 382 **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

HJR 4 **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)

HB 512 **EDUCATION DEPARTMENT** (Reineke, B.) To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)

HB 451 **PUBLIC RECORDS** (Rutherford, W.) To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)

SB 223 **USED TIRES** (LaRose, F.) To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)

SB 10 **PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)

HB 506 **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

HB 469 **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)

HB 489 **FINANCIAL INSTITUTIONS** (Dever, J.) To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)

SB 139 **LEGAL MATERIALS** (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

HB 450 **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

HB 342 **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

SB 266 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

HB 168 **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 251 **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

Senate Health, Human Services & Medicaid (Committee Record) (Chr. Burke, D., 466-8049), South Hearing Rm., 3:15 p.m.

SB 218 **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

HB 332 **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

HB 340 **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

SB 233 **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent).

HB 111 **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 502 YOUTH SUICIDE (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

HB 503 YOUTH SUICIDE (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

HB 318 SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

HB 428 STUDENT EXPRESSION (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

HB 491 EDUCATION LICENSE (Edwards, J.) To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

HB 360 BULLYING (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.

SR 342 COLUMBUS CREW (Kunze, S.) To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

SB 221 AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

HB 226 FIREWORKS (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

SB 239 REGIONAL GOVERNMENT COUNCILS (Dolan, M.) To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 8:30 a.m.

Event Planner

State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.

Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: http://bit.ly/2018_OLA_AM)

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or jgravalis@ohiodems.org)

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Senate Activity for Monday, February 26, 2018

INTRODUCED

SB 266 ■ **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020.
Gongwer Coverage

SB 267 ■ **SOLICITING** (Brown, E., Kunze, S.) To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair .

DELIVERED TO THE GOVERNOR

SB 144 ■ **DISABILITIES COUNCIL** (Burke, D.) To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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House Activity for Monday, February 26, 2018

INTRODUCED

HB 526 ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

HB 527 ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

HB 528 ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

HB 529 ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. Am. 164.05
Gongwer Coverage

HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

DELIVERED TO THE GOVERNOR

HB 45 ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

HB 79 ■ **FIREARMS TRAINING** (Rutherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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Volume #87, Report #38 -- Monday, February 26, 2018

\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" though a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

Nearly \$29M In State IT Funding Clears Controlling Board

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along with the ability to alter the essential health benefits weakens people's access to quality affordable health care."

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

Sedgwick Claims Management Services, Inc. of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

Veeva Systems Inc. of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

Modular Assembly Innovations LLC of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

Kasich Declares Emergency As Flood Risks Continue

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

Cyberattack Temporarily Shuts Down State Websites, Phones

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

School Safety: State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

Janus Case: A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

Gun Control: The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

New Polling: A Suffolk University/USA Today poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

ODP Training: The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

Governor's Appointments

State Auctioneers Commission: Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

Board of Nursing: Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

Supplemental Event Planner

Monday, March 5

One Ohio Now news conference open state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

Wednesday, March 7

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend; \$25 to Friends of Martin J. Sweeney)

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\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Nearly \$29M In State IT Funding Clears Controlling Board

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

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Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

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Senate

CALENDARS

Day Planner

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Daily Activity Planner for Tuesday, February 27

Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 10 a.m.
House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

SB 22 **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

HB 507 **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

HB 488 **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.

- Confirmation hearing on governor's appointments of Mark Wasylyshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission

SB 66 **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree-felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

SB 231 **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

SB 171 **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)

SB 195 **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)

SB 244 **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 11 a.m.

HB 529 **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (1st Hearing-Sponsor-Pending referral)

HB 508 **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)

HB 378 **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)

House Economic Development, Commerce & Labor (Committee Record) (Chr. Young, R., 644-6074), Rm. 113, 1:30 p.m.

HB 504 **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)

HB 263 **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)

HB 211 **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)

HB 433 **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)

House Criminal Justice (Committee Record) (Chr. Manning, N., 644-5076), Rm. 114, 1:30 p.m.

HB 457 **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

HB 391 **ECONOMIC LOSSES (Merrin, D.)** To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 017, 2 p.m.

HB 454 **CEMETERY LOTS (Patterson, J., Arndt, S.)** To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

HR 299 **DRUG USE (Young, R., Ginter, T.)** To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

HB 483 **WEEK DESIGNATION (Patterson, J.)** To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

HB 484 **HEALTH DISTRICTS (Brenner, A.)** To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

HB 492 **STATE PROCUREMENT (Gonzales, A.)** To establish the women-owned business-enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

HB 493 **MINORITY ENTERPRISES (Gonzales, A.)** To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

HB 500 **TOWNSHIP LAWS (Carfagna, R.)** To make various changes to township law. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 313, 2 p.m.

- Note time & room change.

HB 382 **UNEMPLOYMENT COMPENSATION (Schuring, K.)** To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

HJR 4 **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)

HB 512 **EDUCATION DEPARTMENT** (Reineke, B.) To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)

HB 451 **PUBLIC RECORDS** (Rutherford, W.) To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)

SB 223 **USED TIRES** (LaRose, F.) To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)

SB 10 **PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)

HB 506 **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

HB 469 **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)

HB 489 **FINANCIAL INSTITUTIONS** (Dever, J.) To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)

SB 139 **LEGAL MATERIALS** (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

HB 450 **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

HB 342 **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

Senate Finance (Committee Record) (**Chr. Oelslager, S., 466-0626**), Finance Hearing Rm., 2:30 p.m.

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

SB 266 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

HB 168 **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 251 **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

Senate Health, Human Services & Medicaid (Committee Record) (**Chr. Burke, D., 466-8049**), South Hearing Rm., 3:15 p.m.

SB 218 **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

HB 332 **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

HB 340 **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

SB 233 **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

HB 111 **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 502 YOUTH SUICIDE (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

HB 503 YOUTH SUICIDE (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

HB 318 SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

HB 428 STUDENT EXPRESSION (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

HB 491 EDUCATION LICENSE (Edwards, J.) To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

HB 360 BULLYING (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.

SR 342 COLUMBUS CREW (Kunze, S.) To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

SB 221 AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

HB 226 FIREWORKS (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

SB 239 REGIONAL GOVERNMENT COUNCILS (Dolan, M.) To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 8:30 a.m.

Event Planner

State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.

Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: http://bit.ly/2018_OLA_AM)

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or jgravalis@ohiodems.org)

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Senate Activity for Monday, February 26, 2018

INTRODUCED

SB 266 ■ **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020.
Gongwer Coverage

SB 267 ■ **SOLICITING** (Brown, E., Kunze, S.) To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair .

DELIVERED TO THE GOVERNOR

SB 144 ■ **DISABILITIES COUNCIL** (Burke, D.) To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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House Activity for Monday, February 26, 2018

INTRODUCED

HB 526 ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

HB 527 ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

HB 528 ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

HB 529 ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. Am. 164.05
Gongwer Coverage

HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

DELIVERED TO THE GOVERNOR

HB 45 ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

HB 79 ■ **FIREARMS TRAINING** (Rutherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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Volume #87, Report #38 -- Monday, February 26, 2018

\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" though a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

Nearly \$29M In State IT Funding Clears Controlling Board

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along with the ability to alter the essential health benefits weakens people's access to quality affordable health care."

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

Sedgwick Claims Management Services, Inc. of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

Veeva Systems Inc. of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

Modular Assembly Innovations LLC of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

Kasich Declares Emergency As Flood Risks Continue

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

Cyberattack Temporarily Shuts Down State Websites, Phones

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

School Safety: State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

Janus Case: A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

Gun Control: The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."